

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**FILED**

JUN 12 2006

No. 2:03-0550-EJG

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN RE: VIOLET VEST

AMENDED**TEMPORARY DETENTION ORDER**

(Material Witness)

A. Order For Detention

After conducting a hearing based on 18 U.S.C. §§ 3144 and 3142(f) of the Bail Reform Act, the Court orders the above-named material witness detained until the close of business on Tuesday, June 13, 2006, for the following reasons:

B. Statement Of Reasons For The Detention

The Court orders Ms. Vest's temporary detention because it finds by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.

C. Findings Of Fact

The Court's findings are based on the evidence presented in Court, including the following:

- Ms. Vest's relatively recent cessation of the voluntary provision of current contact information to Officer Lopez and other officers, as the trial date in the criminal case identified above has approached, contrasted with her earlier high level of cooperation with the officers;
- Ms. Vest's repeated statements to officers during her transport in custody to appear in court this day, that she would not testify against the defendant in the criminal case, Mr. Moss;
- Mr. Moss's past history of physical violence toward other women, in Ms. Vest's presence, supporting an inference of Ms. Vest's fear of testifying in his presence, notwithstanding Mr. Moss's current incarceration;
- The lack of a reliable location at which or third party custodian with whom Ms. Vest can reside, in light of her pending eviction from her current residence and the apparent unavailability of her mother's or her aunt's residence as a location at which she can reside, even if temporarily.

D. Additional Directives

As provided by 18 U.S.C. § 3144, and having carefully considered the factors set forth in 18 U.S.C. § 3142, the Court directs that Ms. Vest be detained and housed by the United States Marshal until she testifies at recorded deposition or at trial on Tuesday, June 13, 2006, whichever is earlier;

That for the entire duration of her detention that she be confined in a facility separate, to the extent practicable, from persons pending trial, awaiting/serving sentences or being held in custody pending appeal, and specifically that her safety and well-being with respect to Mr. Moss be ensured;

That she be afforded every reasonable opportunity for private consultation with her counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the facility in which Ms. Vest is confined deliver her to a United States Marshal for the purpose of appearing at court proceedings, including trial in the above matter on Tuesday, June 13, 2006.

DATED: 06/09/06

UNITED STATES MAGISTRATE JUDGE